

REMARKS:

In the outstanding Office Action, the Examiner rejected claims 1-4 and 24. Claims 1-4 and 24 are amended herein. Claims 2 and 5-23 remain withdrawn. No new matter is presented. Thus, claims 1-4 and 24 are pending and under consideration. The rejections are traversed below.

REJECTION UNDER 35 U.S.C. § 102(e):

Claims 1, 3 and 24 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,256,346 (Yamaguchi).

Claim 1 of the present application, as amended, recites "a data integrating unit integrating the compressed moving image data from the moving image data encoding unit with the compressed control information from the control information encoding unit without affecting the moving image data". The Applicants respectfully submit that Yamaguchi does not disclose or suggest at least this feature of claim 1. See also claim 3.

Claim 24 recites, "controlling a display of the moving image data by integrating an image data resulting from said compressing of the moving image data and the compressed control information without affecting the moving image data."

The Examiner alleges that all of the features of claims 1, 3 and 24 are described in Yamaguchi at col., 19, lines 59-67, col. 20, lines 25-40, col. 28, lines 5-31 and Fig. 5. The Examiner asserts that the claimed moving image source input is taught by the frame memory (700) in Fig.5 of Yamaguchi, the claimed information input unit is taught by the alpha-map signal (50), and the claimed data integrating unit is taught by multiplexer (150).

However, col. 20 lines 40-46 of Yamaguchi specifically states:

"The arbitrary-shape orthogonal transform circuit 101 refers to this alpha-map signal, checks where the object region of the picture is, divides the rectangle region including the object region into square blocks each consisting of N.times.N pixels, and orthogonally transforms each block to obtain N.times.N transform coefficients."

Further, col. 10 lines 14-18 of Yamaguchi explains the function of the apparatus of Fig.1 as:

"The multiplexer 150 multiplexes the variable-length code of the quantized output and the variable-length code of the side information supplied from the variable-length encoder 140. The output buffer 160 temporarily holds and outputs the data stream multiplexed by the multiplexer 150."

The function of multiplexer 150 in Fig. 5 is the same as that of the multiplexer described with in reference to Fig 1.

As can be seen from the above discussion, these portions of Yamaguchi indicate that the input picture signal is transformed by the arbitrary-shape orthogonal transform circuit (101) which refers to alpha-map signal and the transformed picture signal is multiplexed by the multiplexer (150). That is, in contrast to the claimed invention, in Yamaguchi, the input picture signal is affected by the referred alpha-map signal and the transformed image signal is multiplexed. This teaches away from the features of amended claim 1 (see also other independent claims).

Yamaguchi does not teach or suggest "integrating a compressed moving image data... with the compressed control information" (claims 1 and 3) and "... integrating an image data resulting from said compressing of the moving image data and the compressed control information without affecting the moving image data (claim 24). As can be seen from the above-discussion of the multiplexer of Yamaguchi, the multiplexer does not integrate the input image data and the alpha-map.

For the above-discussed reason, the Examiner does not appear to have established a priori case of anticipation. For this reason it is requested that the rejection be withdrawn.

Yamaguchi does not disclose or suggest at least the feature of an "integrating the compressed moving image data with the compressed control information without affecting the moving image data", as taught by the claimed invention. Accordingly, Yamaguchi does not disclose every element of the Applicants' independent claims. In order for a reference to anticipate a claim, the reference must teach each and every element of the claim (MPEP §2131). Therefore, since Yamaguchi does not disclose the features recited in independent claims, as stated above, it is respectfully submitted that the independent claims patentably distinguish over Yamaguchi.

Therefore, withdrawal of the rejection is respectfully requested.

REJECTION UNDER 35 U.S.C. § 103(a):

Claims 2 and 4 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Yamaguchi and/or U.S. Patent No. 6,195,391 (Hancock).

As discussed above, Yamaguchi does not teach or suggest the claimed "integrating a compressed moving image data... with the compressed control information without affecting the

moving image data", a feature also recited in claim 2. Further, as Hancock merely discusses use of values to determine whether a region is homogeneous and assigning a single color if the region is homogeneous (see, col. 3, lines 11-17), Hancock does not cure the deficiencies of Yamaguchi regarding claim 4 of the present application.

Hancock and Yamaguchi, alone or in combination, do not teach or suggest the invention of claims 2 and 4.

Further, even assuming arguendo that Hancock does disclose the features discussed by the Examiner, the Applicants respectfully submit that there is no motivation to combine the cited references. The Examiner stated that the combination of the references would be obvious so that a (computer) program which when executed by a computer causes the computer to execute the Yamaguchi method, thereby saving significant overhead costs with manufacturing hardware.

MPEP §2143.01 states that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some reasoning that leads to a legal conclusion of obviousness. Therefore, as there is no requisite reasoning to combine the references cited by the Examiner, the Applicants respectfully request the withdrawal of the Examiner's §103 rejections.

At least on page 5 of the Office Action, the Examiner indicates that the process of digital moving images by utilizing analog to digital converters are well known. Applicants respectfully traverse the Examiner's statement because supporting evidence related to the suspending functionality of the claimed invention has not been provided, and request that the Examiner produce authority for the statement.

The Applicants specifically point out the following errors in the Examiner's action.

First, the Examiner uses common knowledge ("well-known") evidence for the rejection. As explained in the M.P.E.P.,

any facts so noticed should... serve only to "fill in the gaps" in an insubstantial manner which might exist in the evidentiary showing made by the Examiner to support a particular ground for rejection. It is never appropriate to rely solely on common knowledge in the art without evidentiary support in the record as the principal evidence upon which a rejection is based.

M.P.E.P. § 2144.03

Second, the noticed fact is not considered to be common knowledge or well-known in the art. In this case, the limitation is not of notorious character or capable of instant and unquestionable demonstration as being well-known. Instead, this limitation is unique to the present invention (see, M.P.E.P. § 2144.03(A) (the notice of facts beyond the record which may be taken by the Examiner must be "capable of such instant and unquestionable demonstration as to defy dispute").

Third, there is no evidence supporting the Examiner's assertion (see, M.P.E.P. § 2144.03(B) ("there must be some form of evidence in the record to support an assertion of common knowledge").

Fourth, the Examiner appears to be basing the rejections, at least in part, on personal knowledge. The Examiner is required under 37 C.F.R. § 1.104(d)(2) to support such assertion with an affidavit when called for by the Applicant. The Examiner is called upon to support such assertion.

Further, even if the Examiner's assertion and rejection based on common knowledge is valid, the claimed invention is distinguishable as discussed above.

Therefore, withdrawal of the rejection is respectfully requested.

CONCLUSION:

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

By: *Temnit Afework*
Temnit Afework
Registration No. 58,202

Date: 02/22/2008
1201 New York Avenue, N.W., 7th Floor
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501